

**STAFF REPORT  
ZONING BOARD OF ADJUSTMENT  
Thursday, December 17, 2020  
9:00 AM**

**Via Zoom (an online platform, see the public notice for link)**

**SUP #012-2020**

**Subject Property Information**

Name & Address of Applicant & Owner	Donald Forrest Granger 1524 Eden Rd Great Falls, MT 59405
Geo Code:	02-2777-36-1-01-01-0000
Parcel Number:	0004305400
Existing Zoning:	Agricultural ("A")
Legal Description:	N½ N½ & N½ S½ NE¼ of Section 36, Township 18 North, Range 3 East
Requested Action:	Approval of a Special Use Permit ("SUP") to allow Light Manufacturing & Assembly
Total Land Area:	200 Acres
Adjacent Land Uses & Zoning:	North: Agricultural/A South: Agricultural/A West: Agricultural/A East: Agricultural/A
Current Land Use:	Agricultural
Applicable Regulations:	Cascade County Zoning Regulations ("CCZR") §§ 7.2.4(31), & 10.

**General Information**

The Cascade County Zoning Board of Adjustment ("ZBOA") is in receipt of a Special Use Permit Application from Donald Forrest Granger, to utilize an existing shop for "Light Manufacturing and Assembly" on his property at 1524 Eden Rd, Great Falls, MT. The Applicant is requesting a SUP be granted as required by CCZR §§ 7.2.4(31).

## **General Provisions**

A special use is a use for which conformance to additional standards will be required and shall be deemed to be a permitted use in its respective district, subject to the standards and requirements set forth herein, in addition to other applicable requirements of these regulations. All such uses are hereby said to possess characteristics of such unique and special forms that each specific use shall be considered as an individual case.

A SUP may be issued only upon meeting all requirements in these regulations for a specific use, which is explicitly mentioned as one of the “Uses Permitted Upon Issuance of a Special Use Permit as provided in Section 10” within the respective zoning districts contained in Sections 7 or Section 8.1.5 hereof. After the public hearing is closed, the ZBOA can approve, deny, or approve with conditions the SUP. A separate SUP shall be required per each tract of land. The SUP fee shall be \$450.<sup>00</sup>.

## **Expiration**

The ZBOA approval of the SUP shall be valid for only one (1) particular use and shall expire one (1) year after the date of approval if construction or the use has not started. The Zoning Administrator may grant a one-time-only six (6) month extension of the ZBOA approval.

The SUP shall expire if the use ceases for six (6) months for any reason. Any further extension requests must be granted by the ZBOA prior to the date of expiration.

## **Findings of Fact:**

1. Donald Forrest Granger is the legal owner of the property.<sup>1</sup>
2. The property is in the Agricultural (“A”) Zoning District. Light manufacturing and assembly are allowed in the A District with a SUP.<sup>2</sup>
3. The property contains two (2) unpermitted structures built in 2017 and 2015 shown on the Property Record Card as “Outbuilding/Yard Improvement #1 and #2” constituting a violation of the Cascade County Zoning Regulations. Condition 2 has been proposed to address this issue.
4. The county taxes on the property are current.
5. Legal Notice of the Application and the public hearing was published in the Great Falls Tribune on November 29, 2020, and December 6, 2020, and mailed, via certified mail, to adjacent property owners on November 30, 2020.

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<sup>1</sup> Warranty Deed executed January 23, 2015 (R0301454).

<sup>2</sup> CCZR § 7.2.4: Uses permitted upon issuance of a Special Use Permit (31) Light manufacturing & assembly.

At the time of writing this report, one comment was received asking for additional details about the proposal and expressed general support.

6. A SUP may be revoked by the ZBOA at any time a building(s) or use(s) is deemed to violate the standards and zoning requirements under which the SUP was issued. A violation of a SUP will be handled as any other violation under CCZR § 13.
7. Appeals of the ZBOA decision shall follow the process outlined in CCZR § 12.
8. Access to the site is from Eden Road (a paved county road) and through two adjacent parcels. One is owned by Love Ranch, at 1463 Eden Road, and the other is owned by the Applicant and the Property Owner. A recorded easement has been filed conferring access rights to the subject property over the Love Ranch Property.<sup>3</sup>
9. The Applicant has not proposed additional sewage disposal for the shop, and water will be sourced from a stock water well.
10. The subject parcel is not located in a Regulated Floodplain.
11. The Applicant has proposed to manufacture agricultural related parts and components, as well as obtain a Federal Firearms License Type 07 for the manufacturer of firearms other than destructive devices.

### **Findings with Respect to the Analysis Criteria**

The Planning Department provides the following analysis, findings, and conclusion under the controlling sections of the Cascade County Zoning Regulations.

1. Conditions determined by the ZBOA may be required to mitigate potential conflicts in order to reach these conclusions.
2. The proposed development will not materially endanger public health or safety.

Considerations:

- a. Traffic conditions in the vicinity, including the effect of additional traffic on streets and street intersections, and sightlines at the street intersection and curb cuts.

***Applicant: The only additional traffic would be for UPS/FedEx delivery trucks and my own pickup with trailer for materials. UPS/FedEx already deliver cattle industry related products to this shop, so the increase in traffic would be minimal.***

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<sup>3</sup> Easement executed January 26, 2015 (R0301478)

**Staff:** Eden Road is a paved County maintained road that serves the small community of Eden and a low population density area of the County. The impact on traffic conditions is not expected to be significantly greater than what is already generated by the residential and agricultural uses in the area. The Cascade County Road and Bridge Division and the Montana Department of Transportation have been solicited for interested agency comments; none have been received as of writing this report.

- b. Provision of services and utilities including sewer, water, electrical, garbage collections, and fire protection.

***Applicant: No new utilities will be used. A water well for cattle use is on site, power and 3 rivers fiber optic are also on premises.***

**Staff:** The property is served by existing utilities on-site. No significant impacts are expected as it relates to this consideration. The property is serviced by the Sand Coulee Rural Volunteer Fire Department, who was notified of this Application. No comments have been received at the time of writing this report.

- c. Soil erosion, sedimentation, and stormwater run-off.

***Applicant: The use of equipment in the shop will have no effect on soil erosion, sedimentation, or stormwater runoff.***

**Staff:** The existing structures are not expected to generate any additional impacts on soil erosion, sedimentation, and stormwater run-off.

- d. Protection of public, community, or private water supplies, including possible adverse effects on surface waters or groundwater.

***Applicant: The only water on site is a well for cattle water troughs (~228 feet from the shop). Surface and ground water will be protected by ensuring all materials are kept within the structure.***

**Staff:** The Planning Department does not anticipate additional hazards to the quality of water in the area from this project.

- 3. The proposed development is a public necessity or will not substantially impact the value of adjoining property.

Considerations:

- a. The relationship of the proposed use and the character of the development to the surrounding uses and development, including possible conflicts between them and how these conflicts will be resolved.

***Applicant: The proposed use is a compliment to the surrounding Ag community in that ag related parts and fabrication will be possible. No conflicts will be present, but if they do occur a discussion with adjacent landowners to address their concerns will take place.***

**Staff: The property is currently used for agricultural purposes and the proposed business will be complementary to the surrounding agricultural uses by providing manufacturing to nearby property owners. It is not expected that this use will create a detrimental impact on the surrounding properties.**

- b. Whether the proposed development is so necessary to the public health, safety, and general welfare of the community or county as a whole, to justify it regardless of its impact on the value of adjoining property.

***Applicant: This land use variance will have no negative impact on the adjoining property.***

**Staff: While this proposal is expected to provide a benefit to the surrounding area, it is not expected that it would provide such a benefit that it could be justified regardless of its impacts on the value of adjoining properties.**

4. The proposed development will be in harmony with the area in which it is located.

Considerations:

- a. The relationship of the proposed use and the character of development to the surrounding uses and development, including possible conflicts between them and how these conflicts will be resolved.

***Applicant: The proposed use is a compliment to the surrounding Ag community in that ag related parts and fabrication will be possible. No conflicts will be present, but if they do occur a discussion with adjacent landowners to address their concerns will take place.***

**Staff: The property is currently used for agricultural purposes and the proposed business will be complementary to the surrounding agricultural uses by providing manufacturing capabilities to nearby property owners. It is expected that the proposed use will be in harmony within the area that it is located.**

- b. Consistency with the municipal and joint land use plans incorporated by the Growth Policy.

***Applicant: This use will be consistent with all the goals of the Cascade County Growth Policy.***

**Staff: This proposal is unlikely to have an impact on any municipal land use plans. Since, it is not near a municipality and it is over a mile away from the nearest launch facility.**

- 5. Consistency with the Growth Policy objectives for the various planning areas, its definitions of the various land use classifications and activity centers, and its location standards.

**Staff: Based on the materials provided and the following analysis, this Application is consistent with the Cascade County Growth Policy.**

**Goal 1: Sustain and strengthen the economic well-being of Cascade County's citizens.**

- A. *Stimulate the retention and expansion of existing businesses, new businesses, value-added businesses, wholesale and retail businesses, and industries including agriculture, mining, manufacturing/processing, and forest products.*

***Applicant: This use will add to the manufacturing base of Cascade County and provide additional revenue to current businesses within Cascade County, such as Pacific Steel, Pacific Recycling, Steel Etc. and other.***

**Staff: This proposal is expected to have a positive impact on the retention and expansion of businesses in Cascade County through the fabrication of agricultural parts and components as well as the Type 7 Federal Firearms License for the Manufacturing of firearms, other than destructive devices. Additionally, it is expected that this business will provide a benefit to other area businesses that trade in ferrous and non-ferrous materials.**

- B. *Stabilize and diversify the county's tax base by encouraging the sustainable use of its natural resources.*

***Applicant: This use will [complement] the base business of cattle ranching on this tract of land. Making the ag business of the land's owner much stronger.***

**Staff: The majority of the property will continue to be used for agricultural purposes, while the existing shop will be moved into a more**

**commercialized use. It is expected that this proposal will facilitate the existing utilization of the natural resources on the property.**

- C. Identify and pursue primary business development that complements existing businesses, which is compatible with communities, and utilizes available assets. Identify and pursue targeted business development opportunities to include, but not limited to, manufacturing/heavy industry, telecommunications, and youth/social services.*

***Applicant: The base aspect of the business is to develop and innovate for the cattle ranching and farming business of Cascade County. By manufacturing parts and tools for the ag community current businesses within the county also benefit.***

**Staff: As a proposal for a new business, it is expected that this proposal will complement existing area businesses in the manufacturing and agricultural sectors.**

- D. Promote the development of cultural resources and tourism to broaden Cascade County's economic base.*

***Applicant: This is not applicable as this would be a wholesale light manufacturing that would only compliment the community.***

**Staff: As this proposal is a manufacturing business, it is not expected that this proposal would have either a positive or a negative impact on cultural resources and tourism.**

- E. Foster and stimulate well-planned entrepreneurship among the county's citizenry.*

***Applicant: Hiring of local High School kids in entry level jobs can and has inspired entrepreneurship within their ranks. Every new local business is also an inspiration to think outside the box for other aspiring entrepreneurs.***

**Staff: As this proposal is a newly proposed business, it is expected that this will have a positive impact on this objective. The Applicant would have an opportunity to employ other locals to facilitate the growth of their business.**

- F. Promote a strong local business environment. Encourage and strengthen business support mechanisms such as chambers of commerce, development organizations, and business roundtable organizations.*

***Applicant: The creation of this new business will help to diversify the economics of Cascade County. The potential to add value to discussions within the CoC and other organizations will be pursued as well.***

**Staff:** As a proposed local business that will have an interdependence on other local businesses, it is anticipated that this proposal will have a direct positive impact on this goal.

- G. Improve local trade capture for Cascade County businesses. Promote local shopping as well as well-planned businesses and new businesses.*

***Applicant: This business will source all materials from local businesses, including raw metal stock and hardware. The promotion of the local economy will be of paramount importance.***

**Staff:** While this proposal is unlikely to have an impact on local shopping, it is anticipated that this business will have a positive impact on local trade capture by providing goods for surrounding areas.

- H. Network with and support other economic development efforts in the region and statewide, in recognition of Cascade County's interdependence with other communities and to leverage available local resources.*

***Applicant: Wherever there is a need to source materials or expertise that does not reside in Cascade County, there is an opportunity to do business with others around the State of Montana.***

**Staff:** It is expected that this business would likely have a positive impact on this objective by leveraging available local resources.

- I. Encourage the growth of the agricultural economy.*

***Applicant: As a cattle rancher by nature, the health of the cattle industry and agriculture in general are of utmost importance. This site use will be a compliment to the ag industry in general and strengthen the health of the cattle ranch business that will be run in conjunction with it.***

**Staff:** Given that the property is currently used for agricultural use and the proposed business is complementary to the existing use, this proposal will have a positive impact on this objective.

- J. Stimulate the growth of the economy by encouraging the use of alternate methods of energy production, including wind energy.*

***Applicant: The use of the energy created by the hydroelectric facilities in Great Falls will be the basis for a clean and sustainable business.***



**Staff:** The Applicant has not proposed on-site renewable energy sources, and it is not expected that this proposal would have an impact on this objective.

***GOAL 2: Protect and maintain Cascade County's rural character and the community's historic relationship with the natural resource development.***

***Objectives:***

- A. *Foster the continuance of agriculture and forestry in recognition of their economic contribution and the intrinsic natural beauty of grazing areas, farmlands, and forests.*

***Applicant: This business will have a basis in complimenting the agricultural area in which it resides. The stronger this business is, the stronger the local ag community will be.***

**Staff:** It is expected this proposal will have a positive impact on this objective by providing a service to the surrounding agricultural uses including the Applicant's ranching operations.

- B. *Preserve Cascade County's scenic beauty and conserve its forests, rangelands, and streams, with their abundant wildlife and good fisheries.*

***Applicant: This business will create revenue that will be used by the owner to invest in new and innovative conservation efforts on the land that the site resides.***

**Staff:** The repurposing of existing structures will maintain the area's agricultural character without detrimentally impacting the County's scenic beauty.

- C. *Preserve Cascade County's open space setting by encouraging new development to locate near existing towns and rural settlements and by discouraging poorly designed, land subdivisions and commercial development.*

***Applicant: By utilizing existing ag related infrastructure, this business will be an example of how land can be used more efficiently without negatively affecting the surrounding area.***

**Staff:** This proposal meets this objective by repurposing existing agricultural structures.

- D. *Assure clean air, clean water, a healthful environment, and good community appearance.*

***Applicant: By using energy from the local hydroelectric infrastructure and by using essentially zero water this business will be completely sustainable.***

**Staff:** The Applicant's operational statement indicates that there will be minimal waste from this operation, much of which is largely recyclable. The City-County Health Department, Cascade Conservation District, Montana Department of Natural Resources and Conservation, and Montana Department of Environmental Quality have been solicited for comment. As of writing this report, no comments have been received.

- E. Support the development of natural resources including but not limited to timber, mining, oil and gas production, and renewable energy production.*

***Applicant: The use of natural resources, mainly metals, in this business will help strengthen the businesses that develop our natural resources.***

**Staff:** Through the support of the County's agricultural economy, it is expected that this proposal will have a positive impact on this goal.

- F. Continue to work with federal and state agencies to redevelop properties within Cascade County which are currently undergoing Superfund and Brownfields process.*

***Applicant: If necessary this business will assist in this process. The site where the business is to be located is in pristine condition.***

**Staff:** The site has not been identified as a Superfund or Brownfields site.

### **GOAL 3: Maintain Agricultural economy**

- A. Protect the most productive soil types.*

***Applicant: By not modifying any existing infrastructure or roads, the soils on this site will remain in their most productive state.***

**Staff:** This proposal will utilize existing agricultural buildings. It is not expected that this proposal will have a detrimental impact on soils.

- B. Continue to protect soils against erosion.*

***Applicant: Maintaining a healthy grass mix is the best method of preventing soil erosion. The cattle on this site are rotate in manner that promotes healthy rangeland and grasses.***

**Staff:** The Planning Department does not anticipate additional soil erosion as a result of this proposal.

*C. Protect the floodplain from non-agricultural development.*

**Applicant:** *This site does not reside on a floodplain, but agriculture is the main use and remains the most important part.*

**Staff:** This property is not located in a designated Special Flood Hazard Area; however, may be subject to flood hazards given its location in Ming Coulee.

*D. Support the development of value-added agricultural industry in Cascade County utilizing the products from the regional area.*

**Applicant:** *Developing new value added ag industry should be a top priority. From the malt plat to potential packing plants, the area is perfect for this business investment.*

**Staff:** It is not expected that this proposal will have a direct impact on this objective. However, in a secondary capacity, it may facilitate the viability of other operations that meet the definition of value-added agriculture.

**GOAL 4: Retain the presence of the US Military in Cascade County.**

**Objectives:**

*A. Encourage the federal congressional delegation to actively support maintaining the current mission status at a minimum.*

**Applicant:** *While this business or site use has zero affiliation with the military, the local economy in general is dependent on the continued existence of MAF, and it will be encouraged.*

**Staff:** It is not expected that this proposal will have an impact on this objective.

*B. Promote the location of additional military missions in Cascade County.*

**Applicant:** *Additional military projects are an incredible source of revenue for local contractors and vendors. Promotion of new Military spending should be heavily promoted.*

**Staff:** It is not expected that this proposal will have an impact on this objective.

*C. Encourage the reactivation of the runway at Malmstrom Air Force Base for fixed-wing operations.*

***Applicant: With the infrastructure already in place, reactivation of fixed wing operations is a great opportunity and will be.***

**Staff: It is not expected that this proposal will have an impact on this objective.**

*D. Refer to the Joint Land Use Study for resolving conflicts and promoting mission compatible development.*

***Applicant: Any potential conflicts will be addressed in reference to the Joint Land Use Study.***

**Staff: It is not expected that this proposal will have an impact on this objective.**

***GOAL 5: Preserve and enhance the rural, friendly, and independent lifestyle currently enjoyed by Cascade County's citizens.***

**Objectives:**

*A. Maintain Cascade County's citizens' independent lifestyle and minimize local governmental intervention, to the extent possible, consistent with the requirements of a continually evolving economy and constantly changing population.*

***Applicant: The business will when necessary promote the idea that people should be independent and self-sufficient.***

**Staff: This proposal will support this objective by allowing a local landowner to expand the utilization of their property.**

*B. Preserve and promote Cascade County's rich cultural heritage, rooted in natural resource development, and reflected in its numerous cultural/historic sites and archaeological areas.*

***Applicant: While no cultural or historical site are near the site of business, there will be an effort to preserve Cascade County's rich cultural heritage.***

**Staff: While the current use of the property is in natural resource development, neither the Applicant nor staff are aware of the cultural, historic, or archaeological sites on the property.**

*C. Promote fire prevention measures throughout the county, giving special emphasis to the extreme fire hazards present at the wildland/urban interface.*

***Applicant: Fire prevention and fire fighting are a top priority for the owner of this business. As the landowner, fire mitigation is a must for proper rangeland management.***

**Staff: This property is not located in the wildland/urban interface. The Sand Coulee Volunteer Fire Department and Cascade County Disaster and Emergency Services were solicited for comment on this proposal. No comment has been received at the time of writing this report.**

*D. Encourage the continued development of educational programs and facilities, recreational opportunities and spaces, and health services for all county residents.*

***Applicant: Educational opportunities, in the form of vocational studies and on the job training will be encouraged.***

**Staff: While this proposal will likely provide vocational training opportunities positively impacting this goal, the stated purpose of this business is not as a training, recreational, or health facility and is unlikely to have a substantial impact on this goal.**

## **Section 10.7 Operations**

Operations in connection with the SUP shall not be more objectionable to nearby properties by reason of noise, fumes, vibrations, or flashing lights than would be the operation of any permitted use.

**Staff: From the Application information submitted, this operation would not be more objectionable to nearby properties by reason of noise, fumes, vibrations, or flashing lights. This project is relatively small in scale and located in a remote area of the county where similar agricultural operations are already in existence.**

### **Motions:**

The following motions are provided for the Board's consideration:

- A. Move the Special Use Permit #012-2020 to allow light manufacturing & assembly on the property referenced as Parcel# 0004305400 be **denied** due to (ZBOA member proposing denial must delineate legal reason that the application be denied);

Or

B. Move the Board **adopt** the Staff Report and Findings of Facts and conclusions, and **approve** Special Use Permit #012-2020 to allow light manufacturing and assembly on the property referenced as Parcel #0004305400, subject to the following conditions:

1. The Applicant obtains any other required county, state, or federal permits and approvals, and complies with the respective regulations associated with those permits and approvals; and
2. The Applicant obtains any necessary land use permits for any unpermitted structures or uses on the property for which nonconforming status cannot be shown.

Attachments:

- Special Use Permit Application, & Site plan
- Vicinity & Flood Maps
- Applicable CCZR sections
- Public Comment

cc: Forrest Granger, Applicant